

REMARKS

Claims 1-27, 41-59, 71 and 72 are pending in this application. Claims 28-40, and 60-70 were previously canceled without prejudice.

Applicants respectfully submit that no new matter has been introduced by virtue of this amendment.

In the Office Action, claims 1-27, 41-59, 71 and 72 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness over U.S. Patent Application Publication No. 2003/0196098 (“The Dickinson reference”) in view of U.S. Patent No. 6,760,752 to Liu et al. (“the Liu reference”).

In response, Applicants submit that the Dickinson reference and the Liu reference are not properly combinable, at the very least, because the Liu reference teaches away from the combination.

Applicants submit that, as discussed in the Amendment filed October 20, 2006, the Dickinson reference is directed to an e-mail firewall that applies policies to e-mail messages between a first site and a plurality of second sites in accordance with administrator selectable policies.

However, Applicants submit that the Liu patent states with regard to firewalls that “the additional security measures [i.e., firewalls] can have undesirable effects in limiting the kind or form of traffic that is able easily to be transmitted through the gateway.” See, the Liu reference, column 1, lines 45-50 (emphasis added). Therefore, Applicants submit that the Liu reference teaches away from using firewalls, and, accordingly, is not properly combinable with the Dickinson reference, which relates to the use of firewalls.

Applicants further submit that, even if the Liu reference is properly combinable with the Dickinson reference (a position which is refuted), the combination of the Dickinson reference

and the Liu reference does not render the present claims obvious, as the Liu reference does not cure the deficiencies of the Dickinson reference.

Applicants submit that the Dickinson is directed to a system that deals only with messages that are incoming into the first site, in accordance with a series of policies. As acknowledged by the Examiner, “Dickinson does not explicitly disclose ... a system wherein the communication itself controls the disposition of where the communication may be sent.” See Office Action on page 4.

Applicants submit that the Liu reference also does not teach or suggest a system wherein the communication itself controls the disposition of where the communication may be sent as recited in the present claims. The Liu reference is directed to “[a] method and apparatus for transferring a message securely from a sender to a recipient over a network and includes at each transfer: creating a message; retrieving the public key of the recipient from an external key server just prior to sending the message; signing the message using the private key of the sender; encrypting the signed message using a public key encryption algorithm and the public key of the recipient producing an encrypted signed message; generating an E-mail message addressed to the recipient; attaching the encrypted signed message as an attachment to the E-mail message; and, transmitting the E-mail message to the recipient.” See the Liu reference, Abstract.

Applicants submit that, although Liu reference describes transmission of encrypted messages, the Liu reference does not teach or suggest attaching and associating a privileged distribution list to the message itself (thereby, e.g., allowing the message itself to control the disposition of where the communication can be sent), as recited in the present claims. Accordingly, Applicants submit that the Liu reference does not cure the deficiencies in the Dickinson reference.

In response to the Examiner’s assertion, that the Liu reference “discloses a second memory that restricts access and routing of the encrypted/confidential communication (see col. 2 line 1-4, 62-67; col. 3 lines 35-52),” Applicants note that the passages relied upon by the Examiner state as follows:

The step of retrieving the public key of the recipient can include verifying a status of a public key for the sender and where the external key server is operable to not return the recipient's public key unless the status of the sender's public key is active.

See, Column 2, lines 1-4 (emphasis added).

The method can include attaching a random number to the E-mail message prior to transferring where the forwarding proxy is operable to verify the random number is valid based on a predefined criterion, and if not, will not forward the E-mail message. The predefined criterion can be the passage of a predefined amount of time.

See, Column 2, lines 35-52 (emphasis added).

In another aspect, the invention provides a method for verifying the authenticity of a message received by a recipient process. The message is generated by a sender process and transferred using secure means over a network. The method includes decrypting a signed encrypted message exposing a message signed by the sender, verifying the sender's signature, requesting a status for the sender's public key from an external key server and displaying the status of the sender's public key and the decrypted message.

See, Column 3, lines 62-67 (emphasis added).

Applicants submit that the above-cited passages are directed to verifying authenticity of the message or the identity of the sender, rather than “restrict[ing] access and routing of the encrypted/confidential communication” as asserted by the Examiner. In fact, Applicants submit that the encrypted message in the Liu reference does not itself control the disposition of where and to whom the encrypted message can be sent, as recited in the present claims.

With further regard to claim 1, Applicants submit that the Dickinson reference does not teach or suggest a first memory containing a program that is executable to attach a privileged attribute to a digital communication and create a privileged distribution list and associate it with the digital communication and a second memory containing a program that is executable to restrict access to the digital communication in accordance with the privileged distribution list, as

recited in claim 1. Applicants submit that the Liu reference also does not teach or suggest a first memory containing a program that is executable to attach a privileged attribute to a digital communication and create a privileged distribution list and associate it with the digital communication and a second memory containing a program that is executable to restrict access to the digital communication in accordance with the privileged distribution list, as recited in claim 1. Accordingly, Applicants submit that the Liu reference does not cure the deficiency in the Dickinson reference.

With further regard to claims 18, 49, 57 and 72, Applicants submit that the Dickinson reference does not teach or suggest that the steps of restricting access to and routing of the privileged communication to the privileged distribution list are taken under instruction from an executable module that is attached, by a program stored within a memory and executable by a processor, to the very digital communication to which it is attached, as recited in the present claims. Applicants further submit that the Liu reference also does not teach or suggest that the steps of restricting access to and routing of the privileged communication to the privileged distribution list are taken under instruction from an executable module that is attached, by a program stored within a memory and executable by a processor, to the very digital communication to which it is attached, as recited in the present claims. Accordingly, Applicants submit that the Liu reference does not cure the deficiencies in the Dickinson reference.

With further regard to claim 41, Applicants submit that the Dickinson reference does not teach or suggest that a privileged distribution list is associated with the digital communication and that the access rights are enforced based upon the associated distribution list, as recited in claim 41. Applicants further submit that the Liu reference also does not teach or suggest that a privileged distribution list is associated with the digital communication and that the access rights are enforced based upon the associated distribution list, as recited in claim 41. Accordingly, Applicants submit that the Liu reference does not cure the deficiencies in the Dickinson reference.

With further regard to claim 71, Applicants submit that the Dickinson reference does not teach or suggest a program that is executable to attach a privileged attribute to a digital

communication and restrict access to the privileged digital communication to an intended recipient and pre-registered designees of attorney recipients in accordance with the privileged attribute as recited in claim 71. Applicants further submit that the Liu reference also does not teach or suggest a program that is executable to attach a privileged attribute to a digital communication and restrict access to the privileged digital communication to an intended recipient and pre-registered designees of attorney recipients in accordance with the privileged attribute as recited in claim 71. Accordingly, Applicants submit that the Liu reference does not cure the deficiencies in the Dickinson reference.

For the foregoing reasons, withdrawal of the obviousness rejection of claims 1, 18, 41, 49, 57, 71, and 72, and claims dependent thereon, is respectfully requested.

Conclusion

Reconsideration of the present application, as amended, is requested. If, upon review, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone Applicant's undersigned attorney at the number set forth below in order to resolve any outstanding issues and advance the prosecution of the case.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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